

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PARLER LLC,

Plaintiff,

V.

AMAZON WEB SERVICES, INC., and
AMAZON.COM, INC.,

Defendants.

No. 2:21-cv-00270-BJR

AMAZON'S SUPPLEMENTAL STATEMENT OPPOSING REMAND

I. INTRODUCTION

Time and time again, Parler refused to turn over the trust instrument needed to determine its citizenship. And now we know why. [REDACTED]

II. BACKGROUND

A. Delaware Trust Law

“A trust, by definition, grants to nonparties ownership rights and control over property, while cutting off control by the grantor.” *Husband C. v. Wife C.*, 391 A.2d 745, 746 (Del. 1978). Unless the trust instrument provides otherwise, a trustee has “all of the powers over trust property that a legally competent, unmarried individual has with respect to individually owned property.” Restatement (Third) of Trusts § 85 (2007) (June 2021 update); *see also* Bogert’s The Law of Trusts & Trustees § 551 (3d ed. rev. 2006) (June 2021 update) (trustee’s powers include those “a prudent man would exercise to accomplish the trust purposes”). As Delaware courts recognize, a “traditional trust” is one in “which the trustee has discretionary authority over the trust corpus.” *J.P. Morgan Tr. Co. of Del. v. Fisher*, 2021 WL 2407858, at *4 (Del. Ch. June 14, 2021).

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1 **B. The Rebekah Mercer 2020 Irrevocable Trust**

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16 **III. ARGUMENT**

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1 DATED this 22nd day of July, 2021.
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CERTIFICATE OF SERVICE

I hereby certify that counsel of record have been served a true and correct copy of the foregoing *Supplemental Statement Opposing Remand* by electronic mail through the Court's ECF Notifications to the following:

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DATED this 22nd day of July, 2021.

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